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HICKMAN PALERMO TRUONG &amp; BECKER LLP

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SAN JOSE, CALIFORNIA 95110-1089

TEL: (408) 414-1080

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2005 AUG 24 PM 4:28

US PATENT & TRADEMARK  
OFFICE

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:	RECEIVED
OFFICE OF PETITIONS	Christopher J. Palermo	AUG 30 2005
COMPANY:	DATE:	OFFICE OF PETITIONS
USPTO	AUGUST 22, 2005	
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:	
(571) 273-8300	15	
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:	
	60063-0112	
RE:	U.S. SERIAL NUMBER:	
PETITION TO REVIVE	09/677,979	

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

## EXPEDITED PROCEDURE

Attached for facsimile filing are:

1. Petition For Revival of an Application for Patent Abandoned Unintentionally (2 pages)
2. Fee Transmittal Sheet authorizing Deposit Account (1 page) (in duplicate)
3. Showing of Unintentional Delay In Filing Petition for Revival (4 pages)
4. Reply to Final Office Action (6 pages)
5. Facsimile Cover Sheet

Christopher J. Palermo (408) 414-1080

PLEASE ACKNOWLEDGE AND CONFIRM RECEIPT VIA FACSIMILE AT (408) 414-1076.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

AUG 22 2005

PTO/SB/64 (07-05)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional). 60063-0112
--	---

First named inventor: Alan L. Cox

Application No.: 09/877,979

Art Unit: 2187

Filed: October 3, 2000

Examiner: Bao Q. Truong

Title: Storage and Retrieval System for Web Cache

Attention: Office of Petitions  
**Mail Stop Petition**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 FAX (571) 273-8300

08/29/2005 DALLEN 00000065-501302 09677979

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1500.00 DA

**RECEIVED**

AUG 30 2005

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**
☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))
**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
 the form of Amendment and Response to Final Office Action mailed 5/25/04 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Christopher J. Palermo  
Signature

22 - Aug - 2005  
Date

Christopher J. Palermo  
Typed or printed name

42,056  
Registration Number, if applicable

2055 Gateway Place, Suite 550  
Address

(408) 414-1080  
Telephone Number

San Jose, CA 95110-1089  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Showing of Unintentional Delay in Filing of Petition for Revival

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

8/22/05  
Date

Trudy Bagdon  
Signature

TRUDY BAGDON  
Typed or printed name of person signing certificate

(Page 2 of 2)

08/22/2005 17:11 4084141076

HPTB SAN JOSE CALIFO

AUG 22 2005

PAGE 04/15

PTO/SB/17 (12/04)

Approved for use through 09/30/2005. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL for FY 2005</b>		<b>Complete if Known</b>																																																																																																																																																	
<p>Patent fees are subject to annual revision. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 AND 1.28</p>		Application Number	09/677,979																																																																																																																																																
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<b>METHOD OF PAYMENT (check one)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																	
<p>1. <input checked="" type="checkbox"/> Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.</p> <p>Deposit Account Number: <u>50-1302</u></p> <p>Deposit Account Name: <u>Hickman Palermo Truong &amp; Becker, LLP</u></p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:  <input checked="" type="checkbox"/> Deposit Account    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p> <p>3. <input type="checkbox"/> Applicant(s) is entitled to small entity status. See 37 CFR 1.27.</p>		<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1,020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,160</td><td>2255</td><td>1,080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,500</td><td>2453</td><td>750</td><td>Petition to revive - unintentional</td><td>X</td></tr> <tr><td>1501</td><td>1,400</td><td>2501</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1504</td><td>300</td><td>2504</td><td>300</td><td>Publication Fee</td><td></td></tr> <tr><td>1462</td><td>400</td><td>1462</td><td>400</td><td>Petitions Director not specifically provided for Group I</td><td></td></tr> <tr><td>1463</td><td>200</td><td>1463</td><td>200</td><td>Petitions Director not specifically provided for Group II</td><td></td></tr> <tr><td>1464</td><td>130</td><td>1464</td><td>130</td><td>Petitions Director not specifically provided for Group III</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td></td></tr> </tbody> </table>		Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1251	120	2251	60	Extension for reply within first month		1252	450	2252	225	Extension for reply within second month		1253	1,020	2253	510	Extension for reply within third month		1254	1,590	2254	795	Extension for reply within fourth month		1255	2,160	2255	1,080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1452	500	2452	250	Petition to revive - unavoidable		1453	1,500	2453	750	Petition to revive - unintentional	X	1501	1,400	2501	700	Utility issue fee (or reissue)		1502	800	2502	400	Design issue fee		1504	300	2504	300	Publication Fee		1462	400	1462	400	Petitions Director not specifically provided for Group I		1463	200	1463	200	Petitions Director not specifically provided for Group II		1464	130	1464	130	Petitions Director not specifically provided for Group III		1806	180	1806	180	Submission of information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))		Other fee (specify) _____						Other fee (specify) _____					
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<p>Name (Print/Type) <u>CHRISTOPHER J. PALERMO</u></p> <p>Signature <u>[Signature]</u></p>		<p>Registration No. (Attorney/Agent) <u>42,056</u></p> <p>Telephone <u>(408) 414-1080</u></p> <p>Date <u>August 22, 2005</u></p>																																																																																																																																																	
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the

PTO/SB/17 (12/04)

Approved for use through 09/30/2005. OMB 0851-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>FEE TRANSMITTAL for FY 2005</b>		<i>Complete if Known</i>																																																																																																																																																																																																		
<p><i>Patent fees are subject to annual revision, Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 AND 1.28</i></p> <p><b>TOTAL AMOUNT OF PAYMENT</b> (\$ ) 1,500.00</p>		Application Number	09/677,979																																																																																																																																																																																																	
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		First Named Inventor	ALAN L. COX																																																																																																																																																																																																	
		Examiner Name	BAO Q. TRUONG																																																																																																																																																																																																	
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<p>1. <input checked="" type="checkbox"/> Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.</p> <p>Deposit Account Number: 50-1302</p> <p>Deposit Account Name: Hickman Palermo Truong &amp; Becker, LLP</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:  <input checked="" type="checkbox"/> Deposit Account    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p> <p>3. <input type="checkbox"/> Applicant(s) is entitled to small entity status. See 37 CFR 1.27.</p>		<p><b>3. 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Docket No. 60063-0112

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Alan L. COX et al.

Serial No.: 09/677,979

Filed: October 3, 2000

For: STORAGE AND RETRIEVAL  
SYSTEM FOR WEB CACHE

Confirmation No.: 7664

Group Art Unit: 2187

Examiner: Bao Q. Truong

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**OFFICE OF PETITIONS**

**SHOWING OF UNINTENTIONAL DELAY IN FILING  
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Attention: Office of Petitions  
Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450

By Facsimile: (571) 273-8300

Sir:

As suggested in MPEP §711.03(c)(II)(D), the Applicant provides the following showing as to why the delay in filing the enclosed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) was unintentional.

To summarize the following, an unintentional delay of longer than three months since the mailing of the Notice of Abandonment has occurred in filing the enclosed Petition for

Application of Alan L. COX, Ser. No. 09/677,979, Filed October 3, 2000  
Showing of Unintentional Delay in Filing Petition for Revival of an Application for Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b)

Revival of an Application for Patent Abandoned Unintentionally because (1) the Notice of Abandonment was not received and (2) responsibility for the application was being transferred from one law firm to another law firm as a result of the application being acquired from the original assignee by the current assignee.

The application is a U.S. non-provisional patent application that was filed on October 3, 2000 by the law firm of Goldstein & Healey LLP.

At the direction of iMimic Networking, Inc., the original assignee of 100% interest in the application, responsibility for the application was transferred from Goldstein & Healey LLP to Goldstein & Faucett LLP, as evidenced by the Power of Attorney filed on January 30, 2004.

On June 30, 2005, a Stock Purchase Agreement was executed between iMimic Networking, Inc., and IronPort Systems, Inc., including the assignment of the application from iMimic Networking, Inc. to IronPort Systems, Inc.

At the direction of IronPort Systems, Inc., the current assignee of 100% interest in the application, responsibility for this application was transferred from Goldstein & Faucett to Hickman Palermo Truong & Becker, LLP (hereinafter HPTB), as evidenced by the Revocation and New Power of Attorney filed on August 17, 2005.

IronPort Systems, Inc., received the file for the application from Goldstein & Faucett shortly after July 7, 2005.

The file for the application was transferred by IronPort Systems, Inc. to HPTB later in July, 2005.

After receiving the file, HPTB determined that the file was incomplete.

HPTB contacted Goldstein & Faucett on July 18, 2005 regarding the incomplete file.

Goldstein & Faucett informed HPTB on July 19, 2005 that the original file was lost during a move from a previous law firm to Goldstein & Faucett, and that the incomplete file sent to IronPort Systems, Inc. included everything that was currently in Goldstein & Faucett's possession for the application.

Application of Alan L. COX, Ser. No. 09/677,979, Filed October 3, 2000  
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IronPort Systems, Inc., executed a Power to Inspect/Copy form on August 8, 2005 so that HPTB could obtain a copy of the file history for the application from the U.S. Patent and Trademark Office via the Faxpat service.

HPTB was informed by the Faxpat service on August 17, 2005 that a copy of the file history could not be obtained because the file was in the possession of an art unit within the U.S. Patent and Trademark Office.

HPTB contacted Examiner Bao Q. Truong, who is assigned to examine the application, on August 17, 2005, to ascertain the status of the file.

Examiner Truong informed HPTB that the application was not currently undergoing examination because the application's current status was "abandoned."

Examiner Truong informed HPTB that a Notice of Abandonment was mailed February 17, 2005.

The file obtained from Goldstein & Faucett did not contain a copy of the Notice of Abandonment.

HPTB contacted Goldstein & Faucett and confirmed that Goldstein & Faucett did not receive the Notice of Abandonment.

The above facts demonstrate that the delay in filing the Petition to Revive was unintentional and resulted from (1) the Notice of Abandonment not being received by the previous law firm, Goldstein & Faucett and (2) the transfer of responsibility for the application from Goldstein & Faucett to HPTB as a result of the acquisition of the application by IronPort Systems, Inc., from iMimic Networking, Inc. Thus, for at least these reasons, an unintentional delay of longer than three months since the mailing of the Notice of Abandonment on February 17, 2005 has occurred in filing the enclosed Petition for Revival of an Application for Patent Abandoned Unintentionally.



Application of Alan L. COX, Ser. No. 09/677,979, Filed October 3, 2000  
Showing of Unintentional Delay in Filing Petition for Revival of an Application for Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b)


The Applicant respectfully submits that the above discussion provides a sufficient showing as to why the delay in filing the enclosed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) was unintentional.

The Office is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the consideration of the enclosed petition.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Christopher J. Palermo  
Reg. No. 42,056

Date: August 22, 2005

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San Jose, CA 95110-1089  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax No. (571) 273-8300.

on 8/22/05 by Trudy Bazdon